

Serial No. 10/783,824

REMARKS

The undersigned wishes to extend appreciation to Examiner Kramer for the courtesies in sending Babel Fish Translations by facsimile on February 1, 2005 of portions of the references relied upon in the present rejection. This was in response to a telephonic interview initiated by the undersigned requesting what support did the Examiner have that the references (in German) "recite that the cap member is adjusting".

For the present and to advance prosecution of the present application, it will not be contested that the caps of the Zimmer references are adjustable. However, it is specifically reserved that arguments contesting such contention can be presented in the future such as during an appeal. In this regard, the lack of threads being shown, the existence of what appear to be O-rings which would be damaged if threaded, stops in the form of smaller diameter bores or adjacent elements and the like all appear to prevent adjustment in a manner of the present invention. However, due to other clear distinctions of the present invention, it was felt unnecessary to counter this contention of the Examiner at this time.

Specifically, as best seen in Figure 3 of DE 10207605, the wedge 92 upon which balls 106 ride is secured to piston 53 by a bolt 54 and in addition there is clearly shown a pilot type shoulder on the piston 53 as well as a counter bore on wedge 92 which interfit to prevent relative radial movement perpendicular to the axis of movement. Similarly, as best seen in Figures 1-3 of WO 98/05470, the wedge 5 upon which balls 6.1 and 6.2 ride is secured to piston 4 by a bolt (unnumbered). Figures 5 and 6 of WO 98/05470 do not show the bolt but clearly must be secured together to be functional.

As set forth in the BACKGROUND of the present application, one piece piston assemblies such as of the type of DE 10207605 and WO 98/05470 apply undesirable forces to piston components, a problem desired to be obviated by the present invention.

It is respectfully submitted that when the term "motion isolated contact" as recited in the claims is construed within the context of the application, the clear distinction of the present invention over DE 10207605 and WO 98/05470 is recited in the present application. However, rather than argue the new ground of rejection under 35 U.S.C. § 112 and in a spirit of conciliation and to advance prosecution of this application, the claims have been amended in conformance with the specification of the present application in a manner to clearly distinguish over the prior art. Favorable reconsideration is respectfully requested.

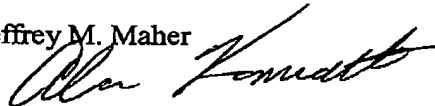
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The Examiner has cited the United States and foreign patents listed in NOTICE OF REFERENCES CITED as A-H, O and P and indicated consideration of the United States and foreign patents cited by applicant. By the lack of application of these references and others like them within the classes or subclasses searched, the Examiner apparently recognizes the clear patentability of the present invention over any of these references.

Therefore, since the claims of the present application have been shown to include limitations directed to the features of applicant's motion control apparatus which are neither shown, described, taught, nor alluded to in any of the references cited by the Examiner and by the applicant, whether those references are taken singly or in any combination, the Examiner is requested to allow claims 2-14, 16-19 and 21, as amended, of the present application and to pass this application to issue.

Respectfully submitted,

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